

BEST AVAILABLE COPY**Remarks**

Claims 1-18 and 20-21 are in the case. Claims 5-17 have been allowed. The allowance of these claims is appreciated. Claims 1-4 and 18 stand rejected. Claim 19 has been cancelled. New claims 20-21 are presented. Claims 18 and 20-21 depend directly or indirectly from allowed claim 5, and are therefore believed to be in a condition for allowance.

Information Disclosure Statement

The Examiner noted that the information disclosure statement submitted January 30, 2004 failed to comply with 37 CFR 1.98(a)(2) because it did not include copies of WO03/057049 and WO03/065906. In order to bring the January 30, 2004 information disclosure statement into compliance with 37 CFR 1.98(a)(2), applicant encloses copies of WO03/057049 and WO03/065906 with this amendment. The Examiner also noted that the information disclosure statement included a typo with regard to listed reference U.S. 5,169,399. Applicant notes that the correct patent number is 5,167,399, and requests that this patent be considered as part of the January 30, 2004 invention disclosure statement.

Objections to the Specification

Pursuant to the Examiner's instructions, the specification has been amended to include the application number of the co-pending application.

Claim Rejections – 35 USC § 112

Claims 4 and 18 stand rejected under 35 USC § 112. Applicant has amended claims 4 and 18 in a manner that is believed to bring the claims into compliance with 35 USC § 112.

Claim Rejections – 35 USC § 102

Claims 1-4 are rejected under 35 USC § 102(b) as being anticipated by Grieg et al. The cited reference discloses a two incision procedure that uses anterior and posterior incisions

SN 10/691,8000

6

(¶00024, lines 16-21). The cited reference does not describe the anterior incision as being superior, but instead describes the anterior incision as being “made *along* the axis of the femoral neck.” (¶00024, lines 19-20). Further, the drawings in the cited reference do not show the first incision as being superior. Compare, for example, the anterior incision of Figures 4A-12 of applicant’s specification with the location of the anterior incision in Figures 2 and 2A of the cited reference. Accordingly, it is respectfully suggested that a prima facie case of anticipation has not been established as to claims 1-4.

It is believed that this response has been filed within the applicable time period for responding and that no extension of time is therefore required, but if an extension is required, applicant hereby requests an appropriate extension of time. It is further believed that no fees are due, but if any fees or credits are due, the Commissioner is authorized to charge or deposit them to Deposit Account No. 502795.

Respectfully submitted,



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SN 10/691,8000

7